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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,148	09/08/2003	Po Tang Su	FP9722	1364

7590 03/04/2005  
Po Tang Su  
PO Box 82-144  
Taipei,  
TAIWAN

EXAMINER

CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/656,148	Applicant(s) SU, PO TANG
	Examiner Kelly E Campbell	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 5,857,567) in view of Fieldhouse (US 2,602,678) and Igarashi (US 5,178,273).

Cheng teaches a retractable frame (14) of a golf bag (10) including:

A retainer (141) bolted to the upper edge of the front side of the bag (10);  
two tubes (142) pivotally engaged and capable of swinging at recesses on opposing sides of the retainer (141), see Column 2, lines 57-60;

a coupling at the upper edge of each tube (142), see Figure 3, for receiving branches of a fork (143) and the bottom of the fork (143) being fixed to the upper edge of a base panel (144) of the golf bag (10).

Cheng does not teach a tube receiving an inner tube.

Fieldhouse teaches a golf bag including a pair of tubes or legs (32) being adjustable in length, including:

a fixation hole at the lower edge of tube (32);  
an inner tube (43) with a through hole at the upper edge aligned with the fixation hole of the tube (32); a pin (36) inserted through the fixation hole and through hole for adjustably inserting the inner tube (34) within the tube (32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tube/legs of the retainer assembly taught by Cheng, to include an inner tube received in a tube/leg, for providing an adjustable height position for the golf bag and improving storability of the bag assembly.

Igarashi teaches a golf bag assembly wherein golf bag support assembly tubes (130,130A), see Figures 9-11) are shown to include hinge (134,138) for collapsing the tubes and improving the storability of the bag.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tube/ legs of the golf bag assembly taught by Cheng modified by Fieldhouse, to further include a hinge for further collapsing the tubes of the assembly and further improving the storability of the golf bag to save storage space.

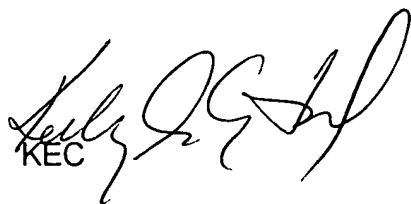
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ross, Jr. teaches a retainer assembly for a golf bag. Chung teaches an automatic retainer for a golf bag. Cheng teaches a retainer support set for a bag. Hsieh teaches an adjustable retainer assembly. Lee teaches a golf bag stand. Wu teaches a golf bag frame retainer assembly. Sundara et al teaches a golf bag stand system. Shiao Chen teaches a golf bag retainer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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